

AMENDED IN SENATE SEPTEMBER 6, 2007

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JULY 2, 2007

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1058**

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**Introduced by Assembly Members Laird and Lieu**

February 23, 2007

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*An act to amend Sections 18909, 18917.2, 18927, and 18941.5 of, to add Sections 18914.4 and 18918.4 to, and to add Chapter 4.7 (commencing with Section ~~18944.43~~) 18944.50) to Part 2.5 of Division 13 of, the Health and Safety Code, relating to environmental protection.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1058, as amended, Laird. Green building construction: best practices.

~~Existing~~

*(1) Existing law sets forth various requirements for energy and design efficiency in the construction and renovation of state buildings.*

~~This bill would require the California Environmental Protection Agency~~ *Department of Housing and Community Development*, by July 1, 2009, in conjunction with a specified working group of certain state entities that it would coordinate, and, in consultation with specified public and private sector organizations, ~~to develop, adopt, and make available a set of voluntary best practices~~ *develop green building standards for residential home construction occupancies, and submit them to the Building Standards Commission for review, adoption,*

*approval, and publication. The bill would require that the green building standards include measures regarding energy, water, materials; and resources efficiency, indoor environmental quality, innovation and design process, nonmotorized transportation, and a method for determining lifecycle cost. The agency department, and other specified entities, in developing and adopting the best practices green building standards, would be required to consider certain aspects of existing relevant guidelines. The bill would require a state agency, on or before July 1, 2009, to submit to the commission for review, approval, and publication, all of the state agency's green building standards that are existing on that date and that have not been previously reviewed, approved, or adopted by the commission.*

*The bill would require the agency authorize the department and the commission, to the extent feasible as allowed by existing resources, to develop an education program educational and technical assistance programs to inform local entities of the benefits of green building, and to encourage the use of the best practices green building practices for residential occupancies, as well as establish specified ongoing education and training programs.*

*The bill would require the agency, beginning July 1, 2011, to conduct a public review to determine the level of use and the effectiveness of the best practices in a representative sampling of home construction. The agency would be authorized to amend the best practices, as deemed necessary, based on this review.*

*The bill would require the agency, on or before July 1, 2012, to reconvene the working group to develop a comprehensive set of proposed building standards for green buildings and to submit the set of standards to the California Building Standards Commission for adoption by that commission, on or before July 1, 2010, to publish approved green building standards in the California Building Standards Code, after reviewing the green building standards. The commission would be authorized to revise those standards as long as the modifications do not reduce the environmental benefits or efficiencies that would be achieved by the proposed standards. If the commission fails to adopt standards proposed by the agency, all residential occupancies for which a project application is deemed complete by a local government on or after July 1, 2013, would be required to comply with the standards proposed by the agency until the commission adopts standards proposed by the agency.*

(2) *The California Building Standards Law defines terms for its purposes, including “building standard,” and requires the governing body of a city, county, or city and county that establishes more restrictive building standards than those in the California Building Standards Law to make specified findings.*

*The bill would include sustainable and green building standards in that definition of “building standard,” and would define “sustainable building” and “green building” for purposes of the California Building Standards Law. The bill also would require a governing body that makes one of those findings to file with the commission a copy of the finding, together with a copy of the modified or changed language to which the finding refers.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 18909 of the Health and Safety Code is  
2     amended to read:

3     18909. (a) “Building standard” means any rule, regulation,  
4     order, or other requirement, including any amendment or repeal  
5     of that requirement, that specifically regulates, requires, or forbids  
6     the method of use, properties, performance, or types of materials  
7     used in the construction, alteration, improvement, repair, or  
8     rehabilitation of a building, structure, factory-built housing, or  
9     other improvement to real property, including fixtures therein, and  
10    as determined by the commission.

11    (b) Except as provided in subdivision (d), “building standard”  
12    includes architectural and design functions of a building or  
13    structure, including, but not limited to, number and location of  
14    doors, windows, and other openings, stress or loading  
15    characteristics of materials, and methods of fabrication, clearances,  
16    and other functions. “Building standard” includes sustainable and  
17    green building standards.

18    (c) “Building standard” includes a regulation or rule relating to  
19    the implementation or enforcement of a building standard not  
20    otherwise governed by statute, but does not include the adoption  
21    of procedural ordinances by a city or other public agency relating  
22    to civil, administrative, or criminal procedures and remedies  
23    available for enforcing code violations.

1 (d) “Building standard” does not include any safety regulations  
2 that any state agency is authorized to adopt relating to the operation  
3 of machinery and equipment used in manufacturing, processing,  
4 or fabricating, including, but not limited to, warehousing and food  
5 processing operations, but not including safety regulations relating  
6 to permanent appendages, accessories, apparatus, appliances, and  
7 equipment attached to the building as a part thereof, as determined  
8 by the commission.

9 (e) “Building standard” does not include temporary ~~scaffoldings~~  
10 *scaffolding* and similar temporary safety devices and procedures  
11 that are used in the erection, demolition, moving, or alteration of  
12 buildings.

13 (f) “Building standard” does not include any regulation relating  
14 to the internal management of a state agency.

15 (g) “Building standard” does not include any regulation, rule,  
16 order, or standard that pertains to mobilehomes, manufactured  
17 homes, commercial coaches, special purpose commercial coaches,  
18 or recreational vehicles.

19 (h) “Building standard” does not include any regulation, rule,  
20 or order or standard that pertains to a mobilehome park, as defined  
21 by Section 18214, or special occupancy park, as defined by Section  
22 18862.43, except that “building standard” includes the construction  
23 of permanent buildings and plumbing, electrical, and fuel gas  
24 equipment and installations within permanent buildings in a  
25 mobilehome park or special occupancy park. For purposes of this  
26 subdivision, “permanent building” means any permanent structure  
27 constructed in the mobilehome park or special occupancy park  
28 that is a permanent facility under the control and ownership of the  
29 park operator.

30 (i) “Building standard” does not include any regulation, rule,  
31 order, or standard that pertains to mausoleums regulated under  
32 Part 5 (commencing with Section 9501) of Division 8.

33 (j) “Building standard” does not include any regulation adopted  
34 by the California Integrated Waste Management Board, the  
35 Department of Toxic Substances Control, the Occupational Safety  
36 and Health Standards Board, or the State Water Resources Control  
37 Board concerning the discharge of waste to land or the treatment,  
38 transfer, storage, resource recovery, disposal, or recycling of the  
39 waste.

1     *SEC. 2. Section 18914.4 is added to the Health and Safety*  
2     *Code, to read:*

3     18914.4. “Green building” has the same meaning as  
4     “sustainable building,” as defined by Section 18918.4.

5     *SEC. 3. Section 18917.2 of the Health and Safety Code is*  
6     *amended to read:*

7     18917.2. “Propose” refers, with respect to the procedure for  
8     promulgation of a building standard, *including a green building*  
9     *standard*, to the state agency that has the legislative authority and  
10    responsibility to write proposed building standards, *including green*  
11    *building standards*.

12    *SEC. 4. Section 18918.4 is added to the Health and Safety*  
13    *Code, to read:*

14    18918.4. “Sustainable building” means a building designed  
15    to reduce both direct and indirect environmental consequences  
16    associated with its construction, use, operation, maintenance, and  
17    eventual decommissioning, the design of which is evaluated for  
18    cost, quality-of-life impacts, future flexibility, ease of maintenance,  
19    energy and resource efficiency, and overall environmental impact,  
20    with an emphasis on lifecycle cost analysis.

21    *SEC. 5. Section 18927 of the Health and Safety Code is*  
22    *amended to read:*

23    18927. The commission may appoint from the design  
24    professions, the building and construction industry, the affected  
25    general public, and interested governmental agencies, appropriate  
26    advisory panels to advise the commission and its staff with respect  
27    to building standards, *including green building standards*. The  
28    persons appointed to the panels shall be specifically knowledgeable  
29    and qualified in the type of work embraced by the building  
30    standards, *including green building standards*, in question. These  
31    persons shall serve without compensation, but may receive actual  
32    necessary travel expenses.

33    *SEC. 6. Section 18941.5 of the Health and Safety Code is*  
34    *amended to read:*

35    18941.5. (a) (1) Amendments, additions, and deletions to  
36    the California Building Standards Code adopted by a city, county,  
37    or city and county pursuant to ~~Section 18941.5~~ *this section* or  
38    pursuant to Section 17958.7, together with all applicable portions  
39    of the California Building Standards Code, shall become effective  
40    180 days after publication of the California Building Standards

1 Code by the commission, or at a later date after publication  
2 established by the commission.

3 (2) The publication date established by the commission shall  
4 be no earlier than the date the California Building Standards Code  
5 is available for purchase by the public.

6 (b) Neither the State Building Standards Law contained in this  
7 part, nor the application of building standards contained in this  
8 section, shall limit the authority of a city, county, or city and county  
9 to establish more restrictive building standards reasonably  
10 necessary because of local climatic, geological, or topographical  
11 conditions. The governing body shall make the finding required  
12 by Section 17958.7 and the other requirements imposed by Section  
13 17958.7 shall apply to that finding. *The governing body shall file*  
14 *with the commission a copy of the findings, together with the*  
15 *modified or changed language, that is expressly marked and*  
16 *identified, to which each finding refers.* Nothing in this section  
17 shall limit the authority of fire protection districts pursuant to  
18 subdivision (a) of Section 13869.7. ~~Further~~ *Except as otherwise*  
19 *provided in this subdivision,* nothing in this section shall require  
20 findings required by Section 17958.7 beyond those currently  
21 required for more restrictive building standards related to housing.

22 SEC. 7. Chapter 4.7 (commencing with Section 18944.50) is  
23 added to Part 2.5 of Division 13 of the Health and Safety Code,  
24 to read:

25  
26 CHAPTER 4.7. GREEN BUILDING STANDARDS  
27

28 18944.50. The Legislature finds and declares all of the  
29 following:

30 (a) California is committed to providing leadership on energy,  
31 environmental, and public health issues by implementing innovative  
32 and resource efficient building design practices and other  
33 programs that improve the lives of the state's 35,000,000 residents.

34 (b) Buildings account for nearly 40 percent of the carbon dioxide  
35 emissions in the United States, more than any other sector.

36 (c) In 2006, the state had approximately 13,000,000 existing  
37 housing units, and in 2003, construction investment in the state  
38 for new residential housing totaled thirty-four billion dollars  
39 (\$34,000,000,000).

1     (d) *The building of a 2,000-square-foot home generates three*  
2 *to five tons of construction waste. Cumulatively, California*  
3 *residences use approximately 5,600,000 acre-feet of applied water*  
4 *annually, and the residential sector accounts for roughly 31 percent*  
5 *of the electricity consumed in the state.*

6     (e) *Transforming the building environment to be more energy*  
7 *efficient and climate friendly is a vital tool in the fight against*  
8 *global warming.*

9     (f) *Sustainable building practices utilize energy, water, and*  
10 *materials efficiently throughout the building's life cycle; enhance*  
11 *indoor air quality; improve health, comfort, and productivity;*  
12 *incorporate environmentally preferable products, and thereby*  
13 *substantially reduce the costs and environmental impacts*  
14 *associated with long-term building operations, without*  
15 *compromising building performance or the needs of future*  
16 *generations.*

17     (g) *The widespread implementation of sustainable building*  
18 *standards would result in significant long-term benefits to the*  
19 *California environment, including reduction of runoff of water*  
20 *pollutants to surface water and groundwater sources, and*  
21 *reduction in the demand for energy, water, and sewage treatment*  
22 *services, as well as the fiscal and environmental impacts resulting*  
23 *from the expansion of these infrastructures.*

24     (h) *A United Nations' study showed that better architecture and*  
25 *energy savings in buildings could do more to fight global warming*  
26 *than all the curbs on greenhouse gases agreed to under the United*  
27 *Nations' Kyoto Protocol.*

28     (i) *In-depth studies of projects to analyze the cost of sustainable*  
29 *buildings, using detailed cost estimates, demonstrate that there*  
30 *may be no significant difference in the construction costs for the*  
31 *United States Green Building Council's Leadership in Energy and*  
32 *Environmental Design (LEED) buildings versus non-LEED*  
33 *buildings in any of the categories.*

34     (j) *A building's energy, water, and waste disposal costs are*  
35 *computed over a 25-year period, or for the life of the building,*  
36 *and can exceed the cost of design and construction.*

37     18944.52. *It is the intent of the Legislature, in enacting this*  
38 *chapter, to recognize that no one set of existing sustainable*  
39 *building practices may encompass the state's unique economic*  
40 *and natural resources-related environment. It is further the intent*

1 of the Legislature to ensure that the building standards adopted  
2 pursuant to this chapter recognize California's leadership in  
3 environmental sustainability practices by including appropriately  
4 rigorous measures and methods, and to ensure that the costs do  
5 not unreasonably or unnecessarily impact the ability of  
6 Californians to purchase or rent affordable housing based on the  
7 overall benefit derived, while addressing the factors specified in  
8 subdivision (b) of Section 18944.56.

9 18944.54. (a) Before state agencies may develop green  
10 building standards, they shall have the authority and program  
11 expertise to do so.

12 (b) On or before July 1, 2009, a state agency shall submit to  
13 the commission for review, approval, and publication, all of the  
14 state agency's green building standards that are existing on that  
15 date and that have not been previously reviewed, approved, or  
16 adopted by the commission.

17 18944.56. (a) On or before July 1, 2009, the Department of  
18 Housing and Community Development shall develop green building  
19 standards for residential occupancies and submit them to the  
20 commission for review, adoption, approval, and publication.

21 (b) The green building standards developed pursuant to this  
22 section shall include, but not be limited to, all of the following:

23 (1) Energy efficiency, conservation, or renewable generation  
24 measures.

25 (2) Water efficiency, conservation, and reuse measures.

26 (3) Materials and resources efficiency, conservation, and reuse  
27 measures.

28 (4) Indoor environmental quality measures, including indoor  
29 air quality.

30 (5) Innovation and design process.

31 (6) Nonmotorized or public transportation.

32 (7) A method for determining lifecycle cost, including evaluating  
33 the relative effectiveness, cost, and lifecycle savings, if any, by the  
34 use of the individual or multiple green building measures specified  
35 in paragraphs (1) to (6), inclusive.

36 (c) To develop the green building standards pursuant to this  
37 section, the Department of Housing and Community Development  
38 shall coordinate a working group consisting of a multiagency  
39 effort, including, but not limited to, all of the following state  
40 entities:



1     (1) *The California Environmental Protection Agency.*  
2     (2) *The California Integrated Waste Management Board.*  
3     (3) *The State Energy Resources Conservation and Development*  
4     *Commission.*  
5     (4) *The State Air Resources Board.*  
6     (5) *The Department of Water Resources.*  
7     (6) *The Department of Housing and Community Development.*  
8     (7) *The Department of General Services.*  
9     (8) *The commission.*  
10    (9) *The Office of the State Fire Marshal.*  
11    (d) *The Department of Housing and Community Development*  
12    *and each state entity specified in subdivision (c) shall also consult*  
13    *with representatives from each of the following:*  
14    (1) *The building design and construction industry.*  
15    (2) *Recognized environmental and housing consumer advocacy*  
16    *groups.*  
17    (3) *Interested local government entities.*  
18    (4) *Interested public parties.*  
19    (e) *Each state entity specified in subdivision (c) shall take the*  
20    *lead in developing recommendations for green building standards*  
21    *related to its particular area of expertise and may also review and*  
22    *comment on proposed recommendations from other state entities*  
23    *in order to ensure consistency with the missions, standards, and*  
24    *regulations of its own entity. After the Department of Housing and*  
25    *Community Development coordinates and considers the separate*  
26    *green building standards recommended by the other state entities,*  
27    *the Department of Housing and Community Development shall*  
28    *develop a set of residential green building standards and propose*  
29    *those green building standards to the commission.*  
30    (f) *In developing and adopting green building standards*  
31    *pursuant to this chapter, all entities involved shall consider those*  
32    *aspects of existing relevant guidelines that maximize the measures*  
33    *and methods identified in subdivision (b). The Department of*  
34    *Housing and Community Development, in consultation with the*  
35    *commission, shall request the appropriate state entities listed in*  
36    *subdivision (c) to identify the relevant green building guidelines*  
37    *that further the purposes of this chapter, which shall include, but*  
38    *not be limited to, all of the following as long as they are in effect:*

1     (1) *The United States Green Building Council's Leadership in*  
2 *Energy and Environmental Design (LEED) for Homes rating*  
3 *system.*

4     (2) *The Build It Green "New Home Construction Green Building*  
5 *Guidelines."*

6     (3) *The EarthCraft House program of Atlanta, Georgia.*

7     (4) *The Built Green program of the Seattle Master Builders.*

8     (5) *The Model Green Home Building Guidelines of the National*  
9 *Association of Home Builders (NAHB).*

10    (g) *To the extent feasible as allowed by existing resources, the*  
11 *Department of Housing and Community Development and the*  
12 *commission may develop educational and technical assistance*  
13 *programs to inform local entities of the benefits of green building,*  
14 *and encourage the use of green building practices for residential*  
15 *occupancies, as well as establish ongoing education and training*  
16 *programs for local code enforcement officials, designers, and*  
17 *builders on the subject of green building standards.*

18    (h) *On or before July 1, 2010, the commission shall publish*  
19 *approved green building standards in accordance with Section*  
20 *18944.60 and, to the extent practicable, shall schedule that*  
21 *publication to coincide with the publication of the California*  
22 *Building Standards Code.*

23    (i) *The Department of Housing and Community Development*  
24 *shall not propose changes more than once per calendar year, and,*  
25 *to the extent practicable, shall coincide those changes with the*  
26 *review of the California Building Standards Code.*

27    (j) *Those entities specified in subdivision (c) with expertise*  
28 *related to green building as identified in subdivision (e) may submit*  
29 *to the Department of Housing and Community Development*  
30 *proposed changes to building standards developed pursuant to*  
31 *subdivision (b) of Section 18944.54 and this section, related to*  
32 *their area of expertise. The proposed building standards shall not*  
33 *reduce the environmental benefits or efficiencies that would have*  
34 *been achieved by the existing standards unless, pursuant to Section*  
35 *18931, the Department of Housing and Community Development*  
36 *and the commission find that the existing standards were infeasible*  
37 *and impose unreasonable costs on property owners, homebuyers,*  
38 *or tenants. The commission shall consult with appropriate agencies*  
39 *and departments on the proposed changes prior to adoption.*

1     (k) *The commission may include in an appendix or as a separate*  
2 *green building document or some combination thereof, voluntary*  
3 *building standards or other related documents and materials that*  
4 *are not appropriate for a mandate in the California Building*  
5 *Standards Code.*

6     (l) *This section does not prohibit, limit, or supersede other green*  
7 *building standards developed pursuant to existing authority.*

8     18944.60. *The commission shall do all of the following:*

9     (a) *In accordance with Section 18930, review the proposed*  
10 *green building standards, approve them, or return them to the*  
11 *proposing entities with recommended amendments. When green*  
12 *building standards are returned for amendment, the commission*  
13 *shall inform the proposing entity of the specific reasons for the*  
14 *recommended amendments, citing the criteria required under*  
15 *Section 18930.*

16     (b) *Codify, including publish, all green building standards*  
17 *adopted and certified by the commission into the applicable parts*  
18 *of California Building Standards Code.*

19     (c) *Ensure consistency of format in the green building standards.*

20     (d) *Adopt any procedural regulations necessary to administer*  
21 *this chapter.*

22     18944.62. *On or before January 1, 2013, the green building*  
23 *standards adopted by the commission pursuant to this chapter*  
24 *shall ensure that California homes constructed under the green*  
25 *building standards in the California Building Standards Code are*  
26 *substantially equivalent to, or exceed, homes constructed using*  
27 *other recognized existing green building guidelines as identified*  
28 *in subdivision (f) of Section 18944.56, that maximize the measures*  
29 *and methods identified in subdivision (b) of Section 18944.56.*

30     18944.64. *The green building standards referred to in*  
31 *subdivision (b) of Section 18944.60 shall indicate the state entity*  
32 *responsible for the administration of each green building standard*  
33 *and any affected occupancy.*

34     18944.66. *Each state entity that adopts or proposes green*  
35 *building standards shall comply with Section 18931.5.*

36     18944.68. *Amendments, additions, and deletions to the green*  
37 *building standards adopted by a city, county, or city and county*  
38 *pursuant to Section 17958.7 or 18941.5, together with all*  
39 *applicable portions of the green building standards document,*  
40 *shall meet the requirements imposed by Section 18941.5.*

1     ~~SECTION 1. Chapter 4.7 (commencing with Section 18944.43)~~  
2     ~~is added to Part 2.5 of Division 13 of the Health and Safety Code,~~  
3     ~~to read:~~

4  
5             ~~CHAPTER 4.7. GREEN BUILDING STANDARDS~~  
6

7     ~~18944.43. The Legislature finds and declares all of the~~  
8     ~~following:~~

9     ~~(a) In 2006, the state had approximately 13 million existing~~  
10    ~~housing units, and in 2003, construction investment in the state~~  
11    ~~for new residential housing totaled thirty-four billion dollars~~  
12    ~~(\$34,000,000,000).~~

13    ~~(b) The building of a 2,000 square foot home generates three~~  
14    ~~to five tons of construction waste. Cumulatively, California~~  
15    ~~residences use approximately 5.6 million acre-feet of applied water~~  
16    ~~annually, and the residential sector accounts for roughly 31 percent~~  
17    ~~of the electricity consumed in the state.~~

18    ~~(c) The state is committed to providing leadership on energy,~~  
19    ~~environmental, and public health issues by implementing~~  
20    ~~innovative and resource-efficient building design practices and~~  
21    ~~other programs that improve the lives of the state's 34.5 million~~  
22    ~~residents.~~

23    ~~(d) Green building practices utilize energy, water, and materials~~  
24    ~~efficiently throughout the building life cycle, enhance indoor air~~  
25    ~~quality, incorporate environmentally preferable products, and~~  
26    ~~protect the building occupants' health.~~

27    ~~(e) The widespread implementation of green building standards~~  
28    ~~would result in significant long-term benefits to the state's~~  
29    ~~environment, including reduction in the demand for energy, water,~~  
30    ~~and waste stream services, and the fiscal and environmental impacts~~  
31    ~~resulting from the expansion of these infrastructures.~~

32    ~~18944.43.1. It is the intent of the Legislature, in enacting this~~  
33    ~~chapter, to recognize that no one set of existing green building~~  
34    ~~practices may encompass the state's unique economic and natural~~  
35    ~~resources-related environment. It is further the intent of the~~  
36    ~~Legislature to ensure that the building standards and best practices~~  
37    ~~adopted pursuant to this chapter recognize California's leadership~~  
38    ~~in environmental sustainability practices and include the most~~  
39    ~~rigorous measures and methods possible.~~

1     ~~18944.43.2. For purposes of this chapter, the following~~  
2     ~~definitions apply:~~

3     ~~(a) “Agency” means the California Environmental Protection~~  
4     ~~Agency.~~

5     ~~(b) “Best practices” means green building best practices for~~  
6     ~~residential home construction that include, but are not limited to,~~  
7     ~~all of the following:~~

8     ~~(1) Energy efficiency, conservation, or renewable generation~~  
9     ~~measures.~~

10    ~~(2) Water efficiency, conservation, and reuse measures.~~

11    ~~(3) Materials and resources efficiency, conservation, and reuse~~  
12    ~~measures.~~

13    ~~(4) Indoor environmental quality measures, including indoor~~  
14    ~~air quality.~~

15    ~~(5) Innovation and design processes.~~

16    ~~(6) Nonmotorized transportation.~~

17    ~~(7) A method for determining lifecycle cost, including evaluating~~  
18    ~~the relative effectiveness, cost, and lifecycle savings, if any, by~~  
19    ~~the use of the individual or multiple green building measures~~  
20    ~~specified in paragraphs (1) to (6), inclusive.~~

21    ~~(c) “Green building” means a project designed to reduce both~~  
22    ~~direct and indirect environmental consequences associated with~~  
23    ~~its construction, use, operation, maintenance, and eventual~~  
24    ~~decommissioning, the design of which is evaluated for cost,~~  
25    ~~quality-of-life impacts, future flexibility, ease of maintenance,~~  
26    ~~energy and resource efficiency, and overall environmental impact,~~  
27    ~~with an emphasis on lifecycle cost analysis.~~

28    ~~18944.43.3. (a) On or before July 1, 2009, the agency, with~~  
29    ~~the working group that it coordinates pursuant to subdivision (b),~~  
30    ~~shall develop, adopt, and make available, a set of voluntary best~~  
31    ~~practices.~~

32    ~~(b) (1) To develop the voluntary best practices pursuant to this~~  
33    ~~part, the agency shall coordinate a working group consisting of a~~  
34    ~~multiagency effort, including, but not limited to, all of the~~  
35    ~~following state entities:~~

36    ~~(A) The California Integrated Waste Management Board.~~

37    ~~(B) The State Energy Resources Conservation and Development~~  
38    ~~Commission.~~

39    ~~(C) The State Air Resources Board.~~

40    ~~(D) The Department of Water Resources.~~

1 ~~(E) The Department of Housing and Community Development.~~

2 ~~(F) The Department of General Services.~~

3 ~~(G) The California Building Standards Commission.~~

4 ~~(2) The agency and each state entity specified in paragraph (1)~~  
5 ~~shall also consult with representatives from each of the following:~~

6 ~~(A) The building construction industry.~~

7 ~~(B) Recognized environmental advocacy groups.~~

8 ~~(C) Interested local government entities.~~

9 ~~(D) Interested public parties.~~

10 ~~(e) Each state entity specified in paragraph (1) of subdivision~~  
11 ~~(b) shall take the lead in developing the best practices related to~~  
12 ~~its particular area of expertise. The agency shall be responsible for~~  
13 ~~coordinating the integration of the separate aspects provided by~~  
14 ~~each state entity into the best practices.~~

15 ~~(d) (1) Following the agency's coordination efforts, and prior~~  
16 ~~to final adoption of the best practices, the California Building~~  
17 ~~Standards Commission shall review all aspects of the best practices~~  
18 ~~to ensure that nothing falls below or conflicts with the standards~~  
19 ~~required in the California Building Standards Code (Title 24 of~~  
20 ~~the California Code of Regulations).~~

21 ~~(2) If the California Building Standards Commission identifies~~  
22 ~~conflicts with the California Building Standards Code, the agency~~  
23 ~~shall revise its best practices to be in conformance with the~~  
24 ~~California Building Standards Code.~~

25 ~~(3) Each state entity specified in paragraph (1) of subdivision~~  
26 ~~(b) shall provide to the California Building Standards Commission~~  
27 ~~and the agency an analysis of its proposed best practices that~~  
28 ~~include all of the following:~~

29 ~~(A) Potential overlap with other agencies' jurisdiction.~~

30 ~~(B) Assurance that all aspects exceed existing standards in the~~  
31 ~~California Building Standards Code.~~

32 ~~(C) Justification of the best practices developed pursuant to this~~  
33 ~~section.~~

34 ~~(e) In developing and adopting the voluntary best practices~~  
35 ~~pursuant to this chapter, all entities involved shall consider those~~  
36 ~~aspects of existing relevant guidelines that maximize the benefits~~  
37 ~~described in subdivision (b) of Section 18944.43.2. These existing~~  
38 ~~relevant guidelines shall include, but are not limited to, all of the~~  
39 ~~following:~~

1 ~~(1) The United States Green Building Council's Leadership in~~  
2 ~~Energy and Environmental Design (LEED) for homes rating~~  
3 ~~system.~~

4 ~~(2) The 2005 Build It Green "New Home Construction Green~~  
5 ~~Building Guidelines."~~

6 ~~(3) The EarthCraft House program of Atlanta, Georgia.~~

7 ~~(4) The Built Green Program of the Seattle Master Builders.~~

8 ~~(5) The Model Green Home Building Guidelines of the National~~  
9 ~~Association of Home Builders (NAHB).~~

10 ~~(f) The agency shall develop an education program to inform~~  
11 ~~local entities of the benefits of green building, and encourage the~~  
12 ~~use of the best practices for residential occupancies. The education~~  
13 ~~program shall include information on how to best utilize the best~~  
14 ~~practices for new construction as well as existing homes.~~

15 ~~18944.43.4. (a) Beginning July 1, 2011, the agency shall~~  
16 ~~conduct a public review of the best practices developed pursuant~~  
17 ~~to Section 18944.43.3 with representatives from the state entities~~  
18 ~~set forth in paragraph (1) of subdivision (b) of Section 18944.43.3,~~  
19 ~~the residential construction industry, and local governmental~~  
20 ~~entities to determine the level of use and effectiveness of the best~~  
21 ~~practices in a representative sampling of residential construction.~~  
22 ~~The agency may amend the best practices, as deemed necessary,~~  
23 ~~based on the review.~~

24 ~~(b) The agency shall reconvene the working group prescribed~~  
25 ~~in subdivision (b) of Section 18944.43.3 to develop proposed~~  
26 ~~building standards for green building. Each state entity specified~~  
27 ~~in paragraph (1) of subdivision (b) of Section 18944.43.3 shall~~  
28 ~~develop proposed building standards related to its area of expertise.~~  
29 ~~The agency shall be responsible for coordinating the proposed~~  
30 ~~building standards and submitting a comprehensive set of proposed~~  
31 ~~building standards to the California Building Standards~~  
32 ~~Commission on or before July 1, 2012, for adoption by that~~  
33 ~~commission in the California Building Standards Code (Title 24~~  
34 ~~of the California Code of Regulations) pursuant to the State~~  
35 ~~Building Standards Law (Part 2.5 (commencing with Section~~  
36 ~~18901) of Division 13 of the Health and Safety Code). The~~  
37 ~~California Building Standards Commission may modify the~~  
38 ~~proposed building standards as long as the modifications do not~~  
39 ~~reduce the environmental benefits or efficiencies that would have~~  
40 ~~been achieved by the proposed standards.~~

1     ~~(e) If the California Building Standards Commission rejects the~~  
2 ~~proposed building standards for green buildings submitted by the~~  
3 ~~agency pursuant to subdivision (b), then all residential occupancies~~  
4 ~~for which a project application is deemed complete by the local~~  
5 ~~government on or after July 1, 2013, shall comply with the building~~  
6 ~~standards proposed by the agency pursuant to subdivision (b) until~~  
7 ~~the date that agency-proposed building standards adopted by the~~  
8 ~~California Building Standards Commission take effect.~~

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